

PATENT APPLICATION

ATTORNEY DOCKET NO. 10002305-3

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

**IN THE
U.S. PATENT AND TRADEMARK OFFICE**

Anticipated Classification of this application:

Class _____ Subclass _____

Prior application:

Examiner: _____

Art Unit: _____

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

(X) I hereby certify that this is being deposited with the United States Postal Service "Express Mail" Post Office to Addressee" service under 37 CFR 1.10 on Sept 16, 2003 and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

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OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages: _____

Typed Name: _____

Signature: _____

REQUEST FOR A CONTINUING APPLICATION UNDER 37 CFR 1.53(b)

Sir:

This is a request for filing a continuing application under 37 CFR 1.53(b) a

- () continuation application of:
(X) divisional application of:

Pending Prior Application

Application No. 09/710,161 filed Nov. 8, 2000

Title SWALLOWABLE DATA RECORDER CAPSULE MEDICAL DEVICE

Name of applicant(s) Daniel R. Marshall

Copy of Application

- (X) Enclosed is a copy of the prior application, including the drawings.
() Enclosed is a new specification, including new drawings.

Oath or Declaration

- (X) Enclosed is a copy of the prior Declaration (37 CFR 1.63(d)).
() Enclosed is a newly executed Declaration (original or copy).

Foreign Priority - 35 USC 119

- () Foreign priority under 35 U.S.C. 119 has been claimed in prior Application No. _____ filed on _____ in _____
() The certified copy has been filed in prior Application No. _____ filed _____
() A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.

Relate Back - 35 USC 120

- (X) Amend the specification after the title by inserting the following heading:

--Cross Reference To Related Application(s)--;

and add the paragraph:

--This is a () continuation (X) divisional

of copending application number 09/710,161 filed on Nov. 8, 2000

which is hereby incorporated by reference herein.

Inventorship Statement

- () Delete the following named individuals as inventors in this application in accordance with 37 CFR 1.53(b) as a result of a change in the claimed subject matter:

Appointment of Associate Attorney

- () Recognize as Associate Attorney or Agent _____
Registration No. _____
() authorization is hereby granted by signature below of the Attorney or Agent of record
() the Associate Attorney or Agent may not have the authority to appoint other Attorneys or Agents

Communications

- (X) Address all future communications to: Direct telephone calls to:
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400
Philip S. Lyren, Esq.
(281) 518-8236

Other Amendments

- (X) Before calculating the filing fee, amend the prior application as follows:
(X) Cancel the following claims 1-20 and 23-37 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
(X) Enter the enclosed Preliminary Amendment.

Fee Calculation

- (X) The filing fee is calculated below for (X) Utility () Design

| CLAIMS AS FILED BY OTHER THAN A SMALL ENTITY | | | | |
|--|---------------------|---------------------|-------------|---------------|
| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) TOTALS |
| TOTAL CLAIMS | 21 — 20 | 1 | X \$18 | \$ 18 |
| INDEPENDENT CLAIMS | 3 — 3 | 0 | X \$84 | \$ 0 |
| ANY MULTIPLE DEPENDENT CLAIMS | 0 | | \$280 | \$ 0 |
| BASIC FEE: Design (\$330.00); Utility (\$750.00) | | | | \$ 750 |
| TOTAL FILING FEE | | | | \$ 768 |
| TOTAL CHARGES TO DEPOSIT ACCOUNT | | | | \$ 768 |

Charge \$ 768 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Daniel R. Marshall

By Steven E. Dick
Steven E. Dick
Attorney/Agent for Applicant(s)
Reg. No. 38,431

Date: Sept. 16, 2003

Telephone No.: (612) 573-2002